

**Posted – April 12, 2012**

**REGULAR MEETING APRIL 16, 2012**

**TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, April 16, 2012 at 7:00 P.M. (Charter Revisions – 6:00 PM) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to**

**reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **CHARTER REVISIONS**

- 1. Memorandum of Council President Weber, with enclosure, re: Town of Middletown – Town Charter revisions.**
- 2. Memorandum of Town Administrator, re: Charter Language concerning Deputy Fire Chief.**
- 3. Memorandum of Town Administrator, re: An Additional Proposed**

## **Charter Amendment.**

### **PUBLIC FORUM SESSION**

**4. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

### **CONSENT**

**5. Approval of Minutes – Special Meeting, March 26, 2012.**

**6. Approval of Minutes – Regular Meeting, April 2, 2012.**

**7. Continued from Regular Meeting, April 2, 2012**

**Continued from Regular Meeting, March 19, 2012**

**Continued from Regular Meeting, March 5, 2012**

**Memorandum of Town Administrator, with enclosures, re: Second Beach Equipment Rental Concession. (Administration requests to continue this item to the next regular meeting of the Council)**

**8. Continued from Regular Meeting, April 2, 2012**

**Continued from Regular Meeting, March 19, 2012**

**Continued from Regular Meeting, March 5, 2012**

**Resolution of the Council, re: Second Beach Equipment Rental Concession.**

**(Administration requests to continue this item to the next regular meeting of the Council)**

**9. Communication of Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Modification of CRMC Assent A2008-118; Plat 127 Lot18; Sachuest Beach Road.**

**10. Communication of Terrence E. Mercer, Associate Administrator, Motor Carriers Section, State of Rhode Island, Division of Public Utilities and Carriers, re: Copy of notice of Public hearing, application of Newporttravel, LLC to amend its (“CPCN”) which jitney transportation services in and/or through your municipality.**

**11. Memorandum of Accounting Manager, re: Quarterly Tax Collector’s Report as of 3/31/2012 – Town of Middletown.**

**12. Communication of Tax Assessor, with enclosure, re: Cancellation of Taxes for certain Middletown residents.**

**13. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**14. Memorandum of Jan Eckhart, Chairman, Middletown Planning Board, re: Advisory recommendation on petition of 28 Jacome Way, LLC for amendments to the Middletown Zoning Ordinance, regarding ground-mounted solar array. (Requires Advertising for Public Hearing)**

**15. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Requesting support in opposition to H7617 and reject any and all binding arbitration legislation currently being considered for teacher and other school employee contracts, support for H7272 moving the teacher layoff notice deadline from March 1 to June 1, support in opposition to H7250 mandating expired teacher contracts must continue at the existing terms and conditions, support in opposition to 7620 An Act Relating to Labor and Labor Relations Municipal Employee arbitration, support in opposition to H7618 and H7619 An Act Relating to Firefighter and Police arbitration, support for a Referendum relating to the Code of Ethics, support for S2673 to provide for use of post office boxes for the purposes of acknowledgement of registration or change of address and verification of residence in those cases where the prospective voter does not receive home mail delivery, and support for H7581 An Act Relating to Public Utilities and Carriers – Public Transit Investment.**

**16. Applications ten (10) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)**

**17. Applications received from the following named persons, firms and corporations for RENEWAL of Amusement Licenses for the 2012-2013 licensing year. (See Attached List)**

**18. Applications received from the following named persons, firms and corporations for RENEWAL of Hawker's Licenses for the 2012-2013 licensing year. (See Attached List)**

**19. Application of Shaw's Supermarket, Inc. dba Shaw's, 71 East Main Road, for RENEWAL of a Mechanical Amusement Device License for the 2012-2013 licensing year.**

**20. Application of Stop & Shop Supermarket Company, 1360 West Main Road, for RENEWAL of a Holiday License for the 2012-2013 licensing year.**

## **LICENSE & PERMITS**

**21. Application of Newport County Community Mental Health Center, Inc. dba NCCMHC'S May is Mental Health Month 5K Fun Run, 5K Fun Run/Walk, taking place at 127 Johnny Cake Hill Road (Aquidneck Corporate Park on Saturday, May 12, 2012 beginning at 10:00 am until 1:00 p.m. (Request to waive fee attached)**

**22. Application for Special Event Permit from Middletown Education Collaborative for Family Beach Party and Duck Race to be held at Third Beach on Thursday, July 12, 2012 beginning at 4:00 pm until 8:00 pm. (Request to waive fee attached)**

**23. Application of Becky Hanos dba Just Dogs, Newport, for a Hawker's License for the 2012-2013 licensing year. (NEW; Cart to be placed on East Main Road @ Grange Hall, permission attached)**

**24. Application of John Messenger dba Jay Vending Company, Maryland, for a Victualling House License (Second Beach) for the 2011-2012 licensing year. (NEW)**

**25. Application of John Messenger dba Jay Vending Company, Maryland, for a Hawker's License (Second Beach) for the 2012-2013 licensing year. (NEW)**

**26. Application of KJ's Pub, LLC dba KJ's Pub for expansion of Victualling House License to include the outside patio (24 seats) for the 2011-2012 licensing year. (NEW)**

**27. Applications received from the following named persons, firms and corporations for RENEWAL of Peddler's Licenses for the 2012-2013 licensing year. (See Attached List)**

## **ORDINANCES**

### **28. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code Title IX General Regulations, Chapter 93 Harbor Rules and Regulations, Section 93.60.1 Dinghy/kayak Rack Rental.**

### **29. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 33 Beach Fees.**

### **30. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code Title IX General Regulations, Chapter 94 Streets, Sidewalks and Public Places, Section 94.36 Overnight dry camping.**

### **31. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 34 Campground Fees.**

### **32. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 91 Fire Protection, Section 91.12 Bonfire, Rubbish Fires Regulated.**



## **OTHER COMMUNICATIONS**

**33. Senator Louis P. DiPalma, re: Discussion regarding the following resolutions:**

**a. Resolution of the Council, re: Supporting S2724, Sub A, “An Act Relating to State Affairs and Government – Sovereignty and Jurisdiction of State” - authorizing the conveyance of certain parcels of land in the Town of Middletown and City of Newport to the Federal Government for the benefit of the United States Navy.**

**b. Resolution of the Council, re: Supporting S2835 “An Act Relating to State Affairs and Government – Distressed Areas Economic Revitalization Act” – adding certain federal census tracts within the Town of Middletown to the Enterprise Zone designation under the distressed areas economic revitalization act.**

**c. Resolution of the Council, re: Supporting S2631, “An Act Relating to Towns and Cities – State Aid” – allowing cities and towns to receive state aid in lieu of taxes not paid by federal government facilities located in their jurisdictions.**

**d. Resolution of the Council, re: Supporting S2315 “An Act Relating to Libraries – Office of State Library and Information Services – providing for library assistance grants to assist in funding library operations, enhancing library collections and aiding interlibrary cooperation.**

## **COMMUNICATIONS OF TOWN COUNCIL**

**34. By motion of the Town Council, April 2, 2012, Resolution of the Council, re: Supporting passage of H7036 that would prevent a toll from being charged for the use of the Sakonnet River Bridge and prohibit transfer of bridge to RI Bridge and Turnpike Authority without General Assembly approval.**

**35. At the request of Council President Weber, Resolution of the Council, re: Opposing passage of Article 24 within House Bill 7323 – changing the term “hotel” to include houses, condominiums or other dwelling units, which are rented out for a total of fifteen (15) days or more per year.**

**36. At the request of Council President Weber, Resolution of the**

**Council, re: Supporting Governor Chafee's Legislative Package.**

**37. At the request of Council President Weber, Resolution of the Council, re: Opposing H7617, H7618, H7619 and H7620 "Acts Relating to Labor and Labor Relations" and H7250 and S2532 mandating expired teacher contracts must continue at the existing terms and conditions.**

**38. At the request of Council President Weber, Resolution of the Council, re: Memorializing the General Assembly to Enact Legislation Establishing the East Bay Energy Consortium.**

**39. At the request of Councillor Silveira, Resolution of the Council, re: Opposing Governor Chafee's proposed 2% increase in the meals and beverage tax.**

**40. Communication of Councillor Viveiros, re: Discussion of State reduction of Jobs Fund/Fiscal Stabilization Funds monies.**

## **COMMUNICATIONS OF TOWN ADMINISTRATOR**

**41. Memorandum of Town Administrator, with enclosures, re: RIDOT STARS (Strategically Targeted Affordable Roadway Improvements) project.**

**42. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Impact Fee Study.**

**43. Resolution of the Council, re: Award of Contract – Impact Fee Study.**

**44. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Green End Avenue Culvert Replacement @ Paradise Brook.**

**45. Resolution of the Council, re: Award of Contract – Green End Avenue Culvert Replacement @ Paradise Brook.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**46. Appointment of two (2) members to the Substance Abuse Prevention Task Force for a term expiring March 2015.**

## **EXECUTIVE SESSION**

**47. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5 (a) (2) Collective Bargaining (Town Hall) and (2) litigation (Tax Appeal Case – Commerce Drive).**

**Wendy J.W. Marshall, CMC  
Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**